

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

GREGORY BOU,

Plaintiff,

v.

STATE OF NEW JERSEY, et al.,

Defendants.

HONORABLE JOSEPH E. IRENAS

CIVIL ACTION NO. 11-6356  
(JEI/JS)

**ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
(Dkt. No. 28)**

**APPEARANCES:**

PATRICK GECKLE, LLC  
By: Michael Cortese, Esq.  
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Philadelphia, PA 19102  
Counsel for Plaintiff

STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL  
By: Roshan Deven Shah, Deputy Attorney General  
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25 Market Street  
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Trenton, NJ 08625  
Counsel for Defendants

**IRENAS**, Senior District Judge:

This matter having appeared before the Court upon Defendants DePinto and Hurley's Motion for Summary Judgment (Dkt. No. 28), the Court having considered the submissions of the parties, and for good cause appearing;

**IT IS** on this 26 day of August, 2013,

**ORDERED THAT:**

(1) Defendants' Motion for Summary Judgment is hereby **DENIED** as to Plaintiff's claims for excessive force under 42 U.S.C. § 1983 and N.J.S.A. 10:6-2.

(2) Defendants' Motion for Summary Judgment is hereby **DENIED** as to Plaintiff's claims for assault and battery.

(3) Defendants' Motion for Summary Judgment is hereby **GRANTED** as to Plaintiff's claim for intentional infliction of emotional distress.

s/Joseph E. Irenas

**JOSEPH E. IRENAS, S.U.S.D.J.**